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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/427,386	10/25/1999	KENNETH W. BAUN	12187-12	3103 #13
7590	10/02/2002			
			EXAMINER	
			FINEMAN, LEE A	
			ART UNIT	PAPER NUMBER
			2872	
DATE MAILED: 10/02/2002				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Allowability**

Application No.

09/427,386

Applicant(s)

BAUN ET AL.

Examiner

Art Unit

Lee Fineman

2872

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 9/16/02.
  2.  The allowed claim(s) is/are 61-74 and 77-88.
  3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
  4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a)  All
    - b)  Some\*
    - c)  None of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
    - (a)  The translation of the foreign language provisional application has been received.
  6.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8.  CORRECTED DRAWINGS must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No. 7.
  - (b)  including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| <input type="checkbox"/> Notice of References Cited (PTO-892)  | <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.            |
| <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____.              | <input checked="" type="checkbox"/> Examiner's Amendment/Comment                  |
| <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | <input type="checkbox"/> Other  |

### **DETAILED ACTION**

1. The applicant inadvertently listed claim 61 to be cancelled on page 1 of the amendment filed 16 September 2002. However, as indicated on page 2 of the amendment, claim 61 was not intended to be cancelled. As such, claim 61 remains pending and allowed.

#### ***Election/Restrictions***

2. This application is in condition for allowance except for the presence of claims 47-54 to an invention non-elected without traverse. Accordingly, claims 47-54 have been cancelled.

#### ***Terminal Disclaimer***

3. The terminal disclaimer filed on 9 September 2002 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,304,376 has been reviewed and is accepted. The terminal disclaimer has been recorded.

#### ***Examiner's Amendment***

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

✓  
Cancel claims 47-54. ✓

***Allowable Subject Matter***

5. Claims 61-74 and 77-88 are allowed.
6. The following is an examiner's statement of reasons for allowance:

Claims 61-68 are allowable over the prior art for at least the reason that the prior art fails to teach and/or suggest "an intelligent motor control processor, coupled to the motor and the motion indicator, the motor control processor further coupled to receive motor movement commands from the command processor, the motor control processor processing each respective motor movement command into motor control commands defining operational movement of the motor, the motor control processor further receiving motion indication signals and comparing actual operational movement of its respective motor to commanded operational movement, the motor control processor modifying motor control commands in response to the differences therebetween" as set forth in the claimed combination.

Gagnon, U.S. Patent No. 4,764,888 discloses an automated telescope system with a command processor (40, fig. 3), two motor portions, each coupled to rotate the telescope about a respective axis (column 6, lines 56-58), and each motor portion including a motor having a rotatable shaft (column 3, lines 27-28 and 41-42) but lacks an intelligent motor control processor, coupled to the motor and the motion indicator, the motor control processor further coupled to receive motor movement commands from the command processor, the motor control processor processing each respective motor movement command into motor control commands defining operational movement of the

motor, the motor control processor further receiving motion indication signals and comparing actual operational movement of its respective motor to commanded operational movement, the motor control processor modifying motor control commands in response to the differences therebetween as claimed.

Claims 69-74 are allowable over the prior art for at least the reason that the prior art fails to teach and/or suggest “evaluating actual operational movement of each motor by a motion sensor, the sensor developing motion indication signals corresponding to an amount of rotational movement” as set forth in the claimed combination.

Gagnon, U.S. Patent No. 4,764,888 discloses a method for operating an automated telescope system comprising retrieving an input representing a position of a desired viewing object (column 5, lines 54-55), the position characterized in terms of a celestial coordinate system (column 3, line 66 – column 4, line 1 and column 6, line 29), and processing each axial displacement into motor movements commands for that axis (column 6, lines 56-58) but lacks evaluating actual operational movement of each motor by a motion sensor, the sensor developing motion indication signals corresponding to an amount of rotational movement as claimed.

Claims 77-88 are allowable over the prior art for at least the reason that the prior art fails to teach and/or suggest “a motor control processor, configured to receive encoder signals from a respective encoder, the motor control processor calculating and outputting motor control commands in operative response thereto, the motor control processor including a position register, the register storing a calculated actual extent of motor movement” as set forth in the claimed combination.

Gagnon, U.S. Patent No. 4,764,888 discloses an automated telescope system with a command processor (40, fig. 3), first and second motor portions, each coupled to rotate the telescope about a respective axis (column 6, lines 56-58) and each motor portion including a motor having a rotatable shaft (column 3, lines 27-28 and 41-42) but lacks a motor control processor, configured to receive encoder signals from a respective encoder, the motor control processor calculating and outputting motor control commands in operative response thereto, the motor control processor including a position register, the register storing a calculated actual extent of motor movement as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Fineman whose telephone number is (703) 305-5414. The examiner can normally be reached on Monday - Friday 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cassandra Spyrou can be reached on (703) 308-1687. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.

LAF

September 30, 2002



**Cassandra Spyrou**  
Supervisory Patent Examiner  
Technology Center 2800